Case No.: SDP-0610/01
Oak Creek Club, Phase 4
Landbays D, E and N

Applicant: NVR-MS Cavalier Oak Creek Club, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF APPROVAL

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 15-04, approving with conditions a specific design plan to reconfigure Landbay "N" to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610, located in the northwestern and northeastern quadrants of the intersection of Oak Grove and Church Roads, in Planning Area 74A, Council District 6, be and the same is hereby APPROVED, subject to conditions.

As the basis for this final decision, and as expressly authorized by the Regional District Act, within Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, and the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we hereby adopt the findings and conclusions within PGCPB No. 15-04 in the administrative record, as the findings of fact and conclusions of law of the District Council.

Approval of SDP-0610-01 is subject to the following conditions:

1. Prior to certificate approval of the plans, the applicant shall make the following revisions and submit the following specified documentation:

    a. The applicant shall consistently refer to the acreage of the subject project as 69.68 acres, the acreage in the first approval of the project, instead of the 71.82 acres reflected in the original application form for the subject project.

b. The applicant shall indicate on the plans that all proposed exterior light fixtures shall be positioned so as to minimize light trespass caused by spill light.

c. Applicant shall include a note on the plans stating that, during the grading and construction phases of this project, the applicant shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

d. Applicant shall include a note on the plans stating that, during the grading and construction phases of the subject project, the applicant shall conform to the construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

e. A note shall be added to the plans stating the following:

"Prior to signature approval of the next residential or commercial retail specific design plan to be considered by the Planning Board for Oak Creek, the applicant shall have procured approval of final design and a schedule for construction from the Department of Public Works and Transportation for the roundabout at the intersection of Oak Grove and Church Roads."

f. The applicant and the applicant's heirs, successors and/or assignees, shall demonstrate access for Parcel 19, measuring a minimum of 25 feet wide, connecting to Bottsford Avenue and to be conveyed to the property owner of Parcel 19 prior to the approval of a final plat(s) for the project. Construction of the driveway shall be the responsibility of the applicant, his heirs, successors and/or assignees.

g. Landbay N, Block A, Lots 1 and 12 and Block B, Lots 1, 8 12, 17 and 18 and Block C, and 19 will be designated as "highly visible side lots" and Lots 7-16, Block C will be designated as "highly visible rear lots" and the following note shall be added to the Landbay N site plan:

Highly Visible Side Lot: On these lots the front façade and the visible end wall shall be constructed of the same material and shall have at least four architectural features in a reasonably balanced arrangement.

Highly Visible Rear Lot: On these lots the rear façade oriented toward Oak Grove Road shall be of an enhanced detail approved via the Umbrella architecture as specified above. The applicant shall develop enhanced architectural designs for the sides and rears of the units with rear facades oriented toward Oak Grove Road. The Planning Board or its designee will approve these enhanced architectural elevations.

h. The platted areas adjacent to the three Specific Design Plan SDP-0610-01 revision areas shall be reflected on the plans with bearings and distances consistent with the record plats as well as with the plat reference and proposed use.

i. All easements shown on the SDP shall be clearly described and not overlap one another except to cross at right angles. Stormwater easements shall not be co-located with public utility easements (PUEs). The easements must cross at right angles and not run parallel.

j. Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 along Oak Grove Road shall be designed with side-entrance garages.

k. A note shall be added to the plans stating that the HOA in conjunction with the Fire and Police Department shall prohibit parking on private roads except under special circumstances approved by the HOA and/or Police or Fire Department.

l. The chart required on the coversheet required by Condition 26 of CDP-9902 on the coversheet of the SDP shall be updated to include all revision applications approved to date and the reference therein to a conceptual design plan shall be corrected to refer to a comprehensive design plan.

m. Provide written evidence of approval by the Department of Permitting Inspections and Enforcement (DPIE) of technical approval of the location and sizes of stormwater management facilities.

2. Prior to building permits in each phase, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

3. The applicant and the applicant's heirs, successors and assignees, shall contribute 50 percent of the total costs of the roundabout located at Oak Grove Road and Church Road. The contribution shall be paid upon the issuance of the construction permits to the permittee for said roadwork but also provided that Oak Creek shall post, prior to any issuance of a building permit in Phase V, a bond or irrevocable letter of credit to the permittee for their estimated share of the costs based on an estimate proposed by the permittee and approved by Oak Creek until the actual construction takes place. The total costs shall be determined according to AASHTO or other applicable guidelines as determined by DPW&T and reviewed and approved by the applicant and permittee. In no way shall the permits (stormdrain, paving, grading, model permits, or construction/building permits of any type) for Oak Creek Club be conditioned upon any event other than the issuance of the bond or irrevocable letter of credit and/or the contribution by the applicant to the permittee upon issuance of the permit. The roundabout is not an APF requirement for Oak Creek and the applicant's contribution satisfies road frontage requirements at this intersection per the Road Code and Condition 42 of the approved corrected resolution (PGCPB Resolution No. 01-178(C)) of the Oak Creek Preliminary Plan (4-10132) or subsequent plans.

4. Prior to approval of any final plats for the subject SDP area, any associated TCPIIs shall be approved and any approved afforestation areas shown shall be placed in conservation easements on the final plat.

5. Prior to issuance of building permits for the adjacent lots, permanent tree protection fencing shall be installed around all afforestation areas. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed, which must include, at a minimum: Photos of the afforestation areas and the associated fencing for each lot, labels on the photos identifying the locations where the photographs were taken; and a plan showing the locations where the photos were taken.

6. Prior to certificate approval of the specific design plan, TCPII-094-04-03 and TCPII-109-03-05 shall be revised as follows:

   a. The prior approval of the "-02" revision to TCPII-09-04-03 "KIF August 12, 2014" shall be added to the approval block on all sheets and the TCPII number shall be revised to show a hyphenated format.

   b. The prior approval of the "-04" revision to TCPII-109-03-04 "KIF July 11, 2013" shall be added to the approval block on all sheets and the TCPII shall be revised to use a hyphenated format.

   c. The overall worksheet shall be revised to indicate the correct revision number for Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-03, indicate that the status is pending, and remove the approval date until time of certification.

   d. Revise the Post-Type Tree Protection Signage detail to change the term on the sign from "Forest Conservation" to "Woodland Conservation."

   e. Add two notes under the "Tree Protection Fence – Permanent Fence Detail" which state the following:

      (1) "The smaller post-type woodland conservation signage (5 ½ by 8 ½") may be substituted for the larger plastic woodland conservation signage shown in the above detail."

      (2) "The permanent protection fencing detail is to be used to protect the vulnerable edges of woodland conservation areas during the required maintenance period. After the maintenance period has been satisfactorily fulfilled, the permanent protection fencing may be removed and replaced with Post-type Tree Protection Signage."

   f. On the cover sheets, the TCPII numbers for Landbays 'M' and 'N' shall be added.

g. On Sheet 6 of 30 of Type II Tree Conservation Plan TCPII-094-04-03, an extension of an existing private 25-foot-wide drainage easement between Lots 28 and 29, Block A shall be shown extending to elevation 86 msl. The LOD shall include the private drainage easement as cleared and the TCPII and associated worksheet calculations shall be revised accordingly.

h. An updated overall TCPII worksheet for Oak Creek Club including all revisions to quantities on Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-03 shall be placed on the Worksheets and Details Sheet (Sheet 2).

i. The revised plan shall be certified by the Qualified Professional who prepared it.

j. All Type II tree conservation plans (TCPII) plan sheets shall be submitted for certification.

7. All residential structures shall be fully sprinklered in accordance with the National Fire Protection Standard (NFPA) 13D and all applicable county laws.

8. Prior to issuance of building permits for Landbay N, Lots 7-16, Block C, where the rear façade of the units face Oak Grove Road, the applicant shall develop enhanced architectural designs for the sides and rears of these units. The Planning Board or its designee through a revision to SDP-0304, the umbrella SDP for architecture, will approve these enhanced architectural elevations.

9. Prior to approval of the final plat, a landscape easement shall be submitted for review and approval, and then be fully executed for the landscape buffer on Lots 7-16, Block C to ensure its protection and allow access for maintenance by the homeowners association. Prior to record plat the liber/folio of the easement document shall be indicated on the final plat.

Ordered this 28th day of April, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner.

Opposed:

Abstained:

Absent: Council Member Toles.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

By: _____
Mel Franklin, Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council